

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TOMMY FUENTEZ,)	1:02-CV-05948 GSA HC
)	
Petitioner,)	SCHEDULING ORDER
)	
v.)	<u>Telephonic Status Conference</u>
)	Date: August 19, 2009
)	Time: 10:00 a.m.
)	
FRED BROWN, Warden,)	<u>Evidentiary Hearing</u>
)	Date: October 27-29, 2009
Respondent.)	Time: 9:00 a.m.
)	Courtroom: Ten

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on remand from the Ninth Circuit Court of Appeals.

On June 25, 2009, a telephonic status conference was held before the undersigned. Barry L. Morris, Esq., appeared on behalf of Petitioner. Melissa J. Lipon, Esq., of the Office of the California Attorney General, appeared on behalf of Respondent. The purpose of the hearing was to address any pertinent issues prior to the evidentiary hearing scheduled in this matter. Based on the parties' representations, the evidentiary hearing will be rescheduled.

Accordingly, IT IS HEREBY ORDERED:

1. A telephonic status conference hearing will be held on **Wednesday, August 19, 2009, at 10:00 a.m.;**

2. The evidentiary hearing set for August 25, 2009, is rescheduled to **Tuesday, October 27, 2009, at 9:00 a.m., and continuing through Thursday, October 29, 2009, if necessary; and**
3. The parties are directed to file their respective trial briefs on or before **September 25, 2009.**

Dated: June 25, 2009